REMARKS

It is respectfully requested that the above amendments be entered pursuant to the provisions of 37 C.F.R. §1.116(b); that this application be reconsidered in view of the above amendments and the following remarks; and that all of the claims remaining in this application be allowed.

Amendments

Applicants have requested that Claims 1-9 be canceled. Any such cancellation is without prejudice or disclaimer with Applicants specifically reserving the right to file a continuation application directed to the canceled subject matter. Applicants note that the above amendment was requested solely to expedite allowance of what is believed to be allowable subject matter.

Insofar as this amendment places this application into condition for allowance, entry of this amendment under the provisions of 37 C.F.R. §1.116(b) is appropriate. Entry of these amendments is requested.

In the October 23, 2003 Office Action, the Examiner indicated that claims 1-9 stand rejected and claims 11-19 are allowed. By virtue of this response, Claims 1-9 have been cancelled thereby retaining only allowed Claims 11-19.

Entry of this amendment pursuant to the provisions of 37 C.F.R. §1.116(b) is earnestly solicited.

For the convenience of the USPTO, a conformed copy of the pending claims, after entry of the above amendments, is attached.

Rejections under 35 U.S.C. § 103(a)

Claims 1-9 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bolton (U.S. Patent No. 5,980,954) and Jacobs et al (U.S. Patent No. 5,605,690), for reasons set forth in the office action mailed April 4, 2003.

Claims 1-9 stand further rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bolton (U.S. Patent No. 5,591,457) and Jacobs et al (U.S. Patent No. 5,605,690), for reasons set forth in the office action mailed April 4, 2003.

Applicants note, as per above, Claims 1-9 have been requested to be cancelled. Upon cancellation of these claims, this rejection will be moot. Withdrawal of these rejections is requested.

Obviousness Type Double Patenting Rejections

Claims 1-9 stand rejected under the judicially created doctrine of obviousness-type double patenting over Claims 1-12 of U.S. Patent No. 5,980,954 in view of Jacobs et al (U.S. Patent No. 5,605,690), for reasons set forth in the office action mailed April 4, 2003.

Claims 1-9 stand not patentably distinct from Claims 1-12 of commonly assigned U.S. Patent No. 5,980,954, for reasons set forth in the office action mailed April 4, 2003.

Applicants note, as per above, Claims 1-9 have been requested to be cancelled. Upon cancellation of these claims, this rejection will be moot. Withdrawal of these rejections is requested.

CONCLUSION

In view of the above amendments and remarks, Applicants respectfully submit that the application is now in allowable condition. An early and favorable indication to that effect is earnestly solicited. If any matters remain to be resolved, the Examiner is requested to contact the undersigned at 650-856-3700.

Notwithstanding the above and in order to avoid unintended abandonment of this application, a Notice of Appeal is enclosed herewith.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant(s) petition(s) for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 50-2859** referencing docket no. 559082000100.

Respectfully submitted,

SWISS LAW GROUP

By: _____
Gerald F. Swiss
Registration No. 30,113

Building 3, Palo Alto Square
3000 El Camino Real, Suite 100
Palo Alto, CA 94306
T (650) 856-3700
F (650) 856-3710

Date: January 21, 2004

PENDING CLAIMS (UPON ENTRY OF AMENDMENTS REQUESTED)

11. A method for treating a mammalian subject suffering from an autoimmune or an alloimmune disease, the method comprising:

administering to said subject a therapeutic treatment which results in at least partial remission of one or more symptoms of the autoimmune or alloimmune disease;

terminating said therapeutic treatment; and

subsequently administering to said subject autologous mammalian blood which has been modified extracorporeally by exposure to at least one stressor selected from the group consisting of an oxidative environment, an electromagnetic emission and a temperature above or below body temperature, said modified mammalian blood being administered to said subject in an amount sufficient to maintain the remission of said one or more symptoms of the autoimmune or alloimmune disease.

12. The method of claim 11, wherein said autoimmune or alloimmune disease is selected from the group consisting of rheumatoid arthritis, multiple sclerosis, systemic lupus erythromatosis (SLE), scleroderma, diabetes, inflammatory bowel disease, psoriasis, atherosclerosis, graft versus host disease and tissue transplant rejection.

13. The method of claim 12, wherein said autoimmune or alloimmune disease is rheumatoid arthritis and said symptoms include joint tenderness and swelling.

14. The method of claim 12, wherein said therapeutic treatment comprises administration to said subject of one or more biologic tumor necrosis factor (TNF) inhibitors.

15. The method of claim 14, wherein said biologic TNF inhibitors are selected from one or more members of the group consisting of recombinant TNF receptors and anti-TNF monoclonal antibodies.

16. The method of claim 15, wherein said recombinant TNF receptor is selected from the group consisting of recombinant human TNF receptor p55 Fc fusion protein (p55 TNFR:Fc) and recombinant human TNF receptor p75 Fc fusion protein (p75 TNFR:Fc).

17. The method of claim 16, wherein said recombinant TNF receptor is p75 TNFR:Fc.

18. The method of claim 11, wherein said mammalian blood is modified extracorporeally by exposure to an electromagnetic emission, an elevated temperature and an oxidative environment.

19. The method of claim 18, wherein said electromagnetic emission comprises ultraviolet light.